



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,849	01/29/2004	Tatsuki Igarashi	248347US3	2357

22850 7590 08/25/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

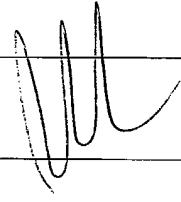
TRAN, DIEM T

ART UNIT PAPER NUMBER

3748

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/765,849	Applicant(s) IGARASHI ET AL. 	
	Examiner Diem Tran	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities:

-In the specification, page 16, line 4, "fuel]ynjected" should be changed to --fuel injected--.

-In the specification, page 22, line 4, "For example]yinstead" should be changed to --For example instead--.

Appropriate corrections are required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kume et al. (US Patent 4,719,751).***

Regarding claims 1, 2, Kume discloses a method for forcibly regenerating a catalytic regeneration type particulate filter in an exhaust pipe through which exhaust gas flows, by adding fuel to the exhaust gas upstream of the particulate filter, the added fuel being oxidized on a flow-through type oxidation catalyst before the particulate filter to produce exothermic heat with which captured and accumulated particulates in the particulate filter are burned off (see col. 38, lines 29-34), thereby forcibly regenerating the particulate filter, the method comprising, in

light-load engine operation areas upon forcibly regeneration of the particulate filter, intentionally increasing an engine load by a retarder being adopted as a load adding means and increasing an amount of fuel injected so as to compensate reduced torque due to the increased engine load (see Figure 22, col. 13, lines 40-46, col. 19, lines 59-65, col. 37, lines 67-68, col. 38, lines 1-10).

Regarding claim 3, Kume further discloses that upon activation of the retarder, with the accelerator pedal retaining its on-state, in light-load engine operation areas for forcible regeneration of the particulate filter, an entrance temperature of the flow-through type oxidization catalyst is detected and a load on the retarder is feedback-controlled so as to raise a temperature detected up to a target value required for catalytic activity (see col. 19, lines 19-32).

Regarding claims 4, 5, Kume further discloses that upon activation of the retarder, with the accelerator pedal retaining its on-state, in light-load engine operation areas for forcible regeneration of the particulate filter and when a clutch is off, an intake flow rate is decreased and the amount of fuel injected is increased so as to compensate reduction of the torque (see col. 13, lines 40-46, col. 19, lines 59-65, col. 33, lines 17-21, col. 37, lines 67-68, col. 38, lines 1-10).

### ***Conclusion***

Any inquiry concerning this communication from the examiner should be directed to Examiner Diem Tran whose telephone number is (703) 308-6073. The examiner can normally be reached on Monday-Friday from 8:00 a.m. - 6:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (703) 308-2623. The fax number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

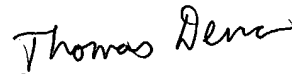
Art Unit: 3748

proceeding should be directed to the Group receptionist whose telephone number is  
(703) 308-0861.



Diem Tran  
Patent Examiner  
Art unit 3748

DT  
August 20, 2004



THOMAS DENION  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700